

**IN THE DRAWINGS:**

Please replace originally filed drawing sheet four (4), which is the sheet that includes Figure 6(a) and two Figures both marked 6(b), with the replacement sheet four (4).

## **REMARKS**

The drawings have been objected to because the Applicant allegedly included two copies of Fig. 6(b) and did not include a copy Fig. 6(c)

The drawings have objected to for failing to comply with 27 CFR 1.84(p)(5) because they include reference character "110" not mentioned in the detailed description.

Claims 2, 4, and 12 have been objected to because these claims recite "either or both", which the Examiner feels is slightly unclear.

Claims 2 and 12 have been objected to because these claims recite "equal or to or above" and the Examiner feels that this is grammatically incorrect.

Claims 3-6 have been objected to because they depend from the objected to claim 2.

Claims 8 and 12 have been objected to because they recite "ASP trend data" and the acronym ASP is not defined.

Claims 9 and 10 are objected to because they depend from an objected to claim 8.

Claims 8-10 and 13 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention.

Claims 1-7, 11, and 12 have been rejected under 35 U.S.C. § 102(e), as being anticipated by U.S. Patent No. 6,826,538 to Kalyan et al. ("Kalyan").

Claims 8-10, and 13 have been rejected under 35 U.S.C. § 103(a), as being unpatentable over Kalyan in view of U.S. Patent No. 5,459,656 to Fields et al. ("Fields").

Claims 1-13 remain pending.

### Objections to Drawings

The drawings have been objected to because the Applicant included two copies of Figure 6(b) and did not include a copy Figure 6(c)

The second Figure 6(b) was mistakenly labeled as such and should be properly labeled as Figure 6(c). The second Figure 6(b) has been amended to correct the incorrect label, as attached hereto with Replacement Sheet indicating Figure 6(c). Support for Figure 6(c) can be found, at least, on page 5, lines 10-12, page 13, line 21, and page 14, line 23 of the originally filed specification. No new matter has been added.

The drawings have objected to for failing to comply with 27 CFR 1.84(p)(5) because they allegedly include reference character “110” that are not mentioned in the detailed description.

The reference character “110” is described, at least, on page 16, line 15 of the specification.

Applicant submits that the objections to the drawings have been overcome.

### Objection to claims 2, 4, and 12

Claims 2, 4, and 12 have been objected to because these claims recite “either or both”, which the Examiner feels is slightly unclear.

Claims 2, 4, and 12 have been amended to improve the clarity of each of the claims.

Claims 2 and 12 have been objected to because these claims recite “equal or to or above” and the Examiner feels that this is grammatically incorrect.

Claims 2 and 12 have been amended to correct the grammatical errors.

Claims 3-6 have been objected to because they depend from the objected to claim 2.

Because claim 2 has been amended, claims 3-6 no longer depend from an objected to claim

2.

Claims 8 and 12 have been objected to because they recite “ASP trend data”, and the acronym ASP is allegedly not defined.

The acronym ASP, which stands for “Average Sales Price”, is defined in independent claim 1, and on page 3, line 17 of the originally filed specification.

Claims 9 and 10 are objected to because they depend from the objected to claim 8.

Applicant submits that because claim 8 has been mistakenly objected to, claims 9 and 10 also have been mistakenly objected to.

Applicant submits that the objections to the claims have been overcome.

Rejection of claims 8-10 and 13 under 35 U.S.C. § 112, second paragraph

The Office Action states that claims 8 and 13 recite the limitation “that time interval” and that there is insufficient antecedent basis for this limitation.

Claims 8 and 13 have been amended to provide sufficient antecedent basis.

Applicant submits that this rejection has been overcome.

Rejection of Claims 1-7, 11, 12 under 35 U.S.C. §102(e)

With respect to independent claim 1, the Office Action states that Kalyan teaches all of Applicant’s recited elements.

Kalyan discloses a method of calculating supplies of key components based on enhancing revenues in a made to order scheme. Products are designed by identifying product components and combining the components in various combinations. Key component supplies are calculated using an algorithm that considers demand probability of component and product as well as calculating the marginal value of each component.

The Examiner states cites col. 3, lines 51-57 of Kalyan as teaching obtaining Average Sale Price (ASP) trend data for a component used in the deliverable end-user product and tracking changes of the trend data for the component over said period of time. Applicant submits that these passages have been misinterpreted.

The passages cited in Kalyan recite: "Determining values for all possible combinations of CCs (critical components) would be a difficult and intractable problem. Instead the pricing method focuses on individual CC's and determines their values." The passages cited in Kalyan further recite: "...to determine the value of any product, it is first determined what CC's the product consumes and the amount consumed per unit (consume\_per). Then the values of the CCs consumed are calculated and added to arrive at a value for the product. The problem is thereby reduced to that of determining the values for the CC's." Kalyan specifically discusses determining the value, not the price, of the critical components.

The Examiner also cites col. 7, lines 60-63 of Kalyan, which reads: "the output includes the value of each critical component for each time horizon." Again, Kalyan discusses that value, not the price as a function of time for the critical components.

Further, Kalyan specifically states that there is a distinction between value and price at col. 3, line 32-44, which reads: "A distinction is made between price and value. Price of a SP (standard product) is an input that serves as a starting amount that the customer is willing to pay for the product and has an associated probability distribution that specifies the probability of various levels of unconstrained demands (irrespective of availability of CC's or any constraining factor). Value on the other hand is the customer's willingness to pay for a product balanced with the supply of the product. For purpose of this description, the difference is that "value" is computed by explicitly applying the supply and demand law on the inputs that consist of, in addition to others, available

supply and demand, while "price" is used as an independent variable to determine value." Kalyan further states: "Price is also used in the context of the price that is asked of a customer, which need not be the computed value. Rather, value serves as a reference that can be used for price negotiation." (See col. 3, lines 46-49).

In contrast, Applicant's independent claim 1 recites obtaining Average Sale Price (ASP) trend data for a component used in said deliverable end-user product and tracking changes of said trend data for said component over said period of time.

In view of the foregoing, it is respectfully submitted that Kalyan does not teach or suggest the subject matter recited in Applicant's independent claim 1. Therefore, Applicant's independent claim 1 is patently distinct over Kalyan.

Independent claim 11 recites similar features as claim 1, and therefore is patentably distinct over Kalyan for at least the reasons discussed in connection with independent claim 1.

Claims 2-7 and 12, which depend directly from the independent claims 1 and 11, incorporate all of the limitations the corresponding independent claim and are therefore patentably distinct over Kalyan for at least those reasons provided for claims 1 and 11.

#### Rejection of Claims 8-10, and 13 under 35 U.S.C. §103(a)

With respect to independent claims 8 and 13, the Office Action states that the combination of Kalyan and Fields teaches all of Applicant's recited elements.

Both independent claims 8 and 13 recite obtaining actual ASP (average sale price) trend data for said deliverable and component at a current sampling interval and mapping said actual ASP trend data to a corresponding element in said data structure.

As previously discussed, Kalyan does not teach or suggest obtaining Average Sale Price (ASP) trend data for a component used in said deliverable end-user product. Kalyan is concerned with obtaining value data, which is different from price data, as described in Kalyan.

Further, because Kalyan does not teach or suggest the subject matter recited in independent claims 8 and 13, and because Fields does not teach or suggest the elements of claims 8 and 13 that Kalyan is missing, Fields is irrelevant.

Claims 9 and 10, which depend directly from the independent claim 8, incorporate all of the limitations of independent claim 8 and are therefore patentably distinct over Kalyan and Fields for at least those reasons provided for claim 8.

#### Conclusion

In view of the foregoing, Applicant respectfully requests reconsideration, withdrawal of all rejections, and allowance of all pending claims in due course.

Respectfully submitted,



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SF/BMM:ej  
Attachment: Replacement Sheet Drawing